

REMARKS

The Examiner requires restriction of the present application to one of the following inventions:

Group I: Claims 1-28, drawn to isolated DNA sequences encoding a biologically active protamine or functional fragments thereof, host cells and tissues comprising said DNA and a method of preparing said polypeptides utilizing said DNA sequences;

Group II: Claims 1-28, drawn to isolated DNA sequences encoding a biologically active protamine or functional fragments thereof, seeds comprising said DNA and a method of preparing said polypeptides utilizing said DNA sequences;

Group III: Claims 1-28, drawn to isolated DNA sequences encoding a biologically active protamine or functional fragments thereof, a whole organism such as plants or animals comprising said DNA and a method of preparing said polypeptides utilizing said DNA sequences;

Group IV: Claims 29-32, 34-40, 45 and 46, drawn to a bactericidal or fungicidal composition comprising citrate and bicarbonate; and

Group V: Claims 29-46, drawn to a bactericidal or fungicidal composition comprising citrate and bicarbonate and biologically active protamine and fragments thereof.

The Examiner further contends that the inventions of Groups I-III and V are additionally and independently directed to the following patentably distinct products, which have distinct and unrelated chemical structure and function:

- 1) SEQ ID NO: 2, or DNA encoding it;
- 2) SEQ ID NO: 4, or DNA encoding it;
- 3) SEQ ID NO: 6, or DNA encoding it;
- 4) SEQ ID NO: 8, or DNA encoding it;

- 5) SEQ ID NO: 10, or DNA encoding it;
- 6) SEQ ID NO: 12, or DNA encoding it;
- 7) SEQ ID NO: 14, or DNA encoding it;
- 8) SEQ ID NO: 16, or DNA encoding it;
- 9) SEQ ID NO: 18, or DNA encoding it;
- 10) SEQ ID NO: 20, or DNA encoding it;
- 11) SEQ ID NO: 22, or DNA encoding it;
- 12) SEQ ID NO: 24, or DNA encoding it;
- 13) SEQ ID NO: 26, or DNA encoding it; and
- 14) SEQ ID NO: 33, or DNA encoding it.

The Examiner contends that the inventions listed as Groups I-V do not relate to a single inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical feature. Specifically, the Examiner contends that the special technical feature of the inventions of Groups I-V are eukaryotic/prokaryotic host, seed, whole organism, citrate/bicarbonate and protamine polypeptides, respectively. The Examiner contends that these five special technical features have nothing in common in terms of structure and mode of function.

Applicant elects the invention of Group I, claims 1-28, drawn to isolated DNA sequences encoding a biologically active protamine or functional fragments thereof, host cells and tissues comprising said DNA and a method of preparing said polypeptides utilizing said DNA sequences, for further prosecution on the merits. In addition, Applicant elects SEQ ID NO: 2, or DNA encoding it, which includes encoding nucleic acid SEQ ID No. 32 for further prosecution on the merits.

Questions are welcomed by the below-signed attorney for Applicant.

Respectfully submitted,

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